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6 Attorneys for Plaintiffs  
BAY AREA PAINTERS AND TAPERS  
7 PENSION FUND, et al.

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9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12

13 BAY AREA PAINTERS AND TAPERS  
14 PENSION FUND, et al.,

15 Plaintiffs,

16 v.

17 RODEO DRYWALL, INC. and TONY  
RODRIGUEZ,

18 Defendants.

Case No.: C07-6344 MHP

**REQUEST TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

Date: June 23, 2008

Time: 4:00 p.m.

Dept.: Ctrm. 15, 18<sup>th</sup> Floor

Judge: Hon. Marilyn Hall Patel

19  
20 Plaintiffs hereby request that the Case Management Conference, currently scheduled for  
21 Monday, June 23, 2008 at 4:00 p.m., be continued for 90-120 days.

22 1. The Clerk entered the default of the defendants on January 23, 2008.

23 2. At the time of the last conference, plaintiffs were in contact with Tony Rodriguez,  
24 who advised that he would submit his missing contribution reports (for the months of July, August  
25 and September 2007) “right away” and that he wanted to “work things out.” I was prepared to  
26 either resolve this matter with the defendant, or, if necessary, file a Motion for Default Judgment.  
27

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**REQUEST TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
Case No.: C07-6344 MPH**

1 No reports were received, despite multiple follow up contacts by this office and thus the Motion  
2 was not filed as anticipated.

3 3. Due to the absence of the contribution reports, plaintiffs are unable to ascertain  
4 what amounts, if any, are owed to the Trust Funds. Defendants have submitted all subsequent  
5 contribution reports (October, 2007 to present), advising that there were no employees working.  
6

7 4. I have spoken to one of the Business Representatives for District Counsel 16, who  
8 believes that Rodeo Drywall had work, and had Union employees working, during the time that he  
9 was reporting "0" due in contributions.

10 5. As it appears that there may be inconsistencies in reporting, I am now requesting  
11 that an audit be performed of defendant's records. Once the audit is complete, plaintiffs will file a  
12 Motion for Default Judgment as to any amounts found due.  
13

14 6. I am requesting that the Court continue the Case Management Conference to allow  
15 the audit to occur. The audit is necessary to establish plaintiffs' damages in this action.

16 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above  
17 entitled action, and that the foregoing is true of my own knowledge.

18 Executed this 11<sup>th</sup> day of June, 2008, at San Francisco, California.  
19

20 SALTZMAN & JOHNSON LAW CORPORATION  
21

22 By: \_\_\_\_\_/s/\_\_\_\_\_  
23 Michele R. Stafford  
Attorneys for Plaintiffs

24 IT IS SO ORDERED.  
25

26 Date: \_\_\_\_\_

27 MARILYN H. PATEL  
UNITED STATES DISTRICT COURT JUDGE  
28

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REQUEST TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
Case No.: C07-6344 MPH

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94101.

On June 11, 2008, I served the following document(s):

**REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Rodeo Drywall, Inc.  
38721 Blacow Road  
Fremont, California 94536**

**Tony Rodriguez  
38721 Blacow Road  
Fremont, California 94536**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 11<sup>th</sup> day of June, 2008, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Vanessa de Fábrega